

CITY OF RENSSELAER  
BUILDING AND ZONING ADMINISTRATOR  
FLOOD HAZARD DEVELOPMENT PERMIT

WHEREAS, an application, with supporting material, was filed on March 10, 2005 by Besicorp-Empire Newsprint, LLC (BENCO) (“the Applicant”) with the City of Rensselaer Planning Commission (“the Commission”) for Site Plan Review and Approval under Chapter 179, Article VII of the Code of the City of Rensselaer, and for a Special Use Permit (Flood Hazard Development Permit) pursuant to Chapter 105 of the Code of the City of Rensselaer (the “BENCO applications”), for property located off Riverside Avenue (a portion of former Parcel No. 154.00-5-2.1 and Parcel Nos. 154.00-5-2.2 and 2.3) in the City’s Heavy Industrial (I) Zoning District (“the property”); and

WHEREAS, Applicant is proposing to construct a Recycled Newsprint Facility (RNF) and associated water intake and wastewater treatment facilities on the property, owned by BASF Wyandotte Corp., and located on Riverside Avenue in the City of Rensselaer= Heavy Industrial District; and

WHEREAS, the RNF is part of an industrial project (“the BEDCO Project”) including an electricity cogeneration plant (the “power plant”) to be constructed on adjoining property also owned by BASF; and

WHEREAS, by Resolution dated June 13, 2005, the Commission granted the above BENCO applications, with conditions, including the requested Special Use Permit; and

WHEREAS, pursuant to Chapter 105 of the Code of the City of Rensselaer, the City Building and Zoning Administrator (BZA) has the authority to issue a Flood Hazard Development Permit to applicants in conjunction their receipt of a Special Use Permit from the Commission; now therefore

BE IT RESOLVED, pursuant to the authority vested in the BZA by Chapter 105 the City Code, the following Findings of Fact and Permit Determination is made:

FINDINGS OF FACT

The BZA incorporates herein by reference all Findings of Fact in the Commission’s June 13, 2005 Resolution.

The property is located in a Special Flood Hazard Area as set forth in the Flood Insurance Study for the City of Rensselaer, New York, Rensselaer County dated September 1979 together with the Flood Insurance Rate Map #361032 001 B dated March 18, 1980. The 100-year flood elevation at the site of the BEDCO Project is 20.5 Ft. NGVD (1929).

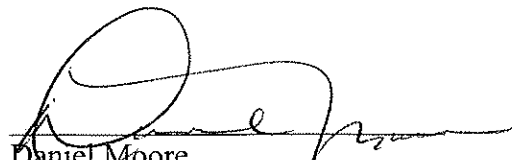
## PERMIT DETERMINATION

The BENCO Project, as proposed, is in conformance with the provisions of Chapter 105 of the City Code.

A Flood Plain Development Permit is hereby issued, subject to the following conditions:

1. Construction of the BENCO project shall be in conformance with all plans, testimony-exhibits and application materials presented by the Applicant at the April 21, 2005 hearing before the Commission, and all post-hearing material referenced in the Commission's June 13, 2005 Resolution, except as these may be subsequently modified by the Applicant and approved by the Commission.
2. Prior to any construction activity, BENCO shall submit to the City Engineer and the BZA, for their review and approval, final design plans, certified by a registered architect or professional engineer, demonstrating compliance with all applicable standards set forth in Sections 105-13 and 179-36 (C) of the City Code.
3. Prior to any construction activity, BENCO shall submit to the City Engineer and the BZA, for their review and approval, "design details of the flood resistance methods" to be employed in the "foundation wall along the north side of the RNF buildings," as referenced in the C.T. Male letter.
4. Post-construction flood elevation compliance certifications for all buildings, structures and utilities associated with the RNF shall be provided to the BZA before any use or occupancy of the RNF.
5. Nothing herein shall relieve BENCO of the obligation to submit for review and approval, prior to the commencement of construction, any additional plans, maps, drawings or other documents that may be necessary or appropriate to demonstrate the project's compliance with applicable State and local building, construction and/or flood plain development codes.

January 13, 2006

  
Daniel Moore  
Building and Zoning Administrator  
City of Rensselaer